
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

KEITH D. WEBB,

Plaintiff,

vs.

**SALT LAKE MEDICAL CENTER,
IASIS HEALTHCARE, JAMES (JIM)
JOHNSTON, MARY MOODY, BART
ADAMS,**

Defendants.

REPORT AND RECOMMENDATION

Case No. 2:05CV1011

District Judge Paul G. Cassell

Magistrate Judge Paul M. Warner

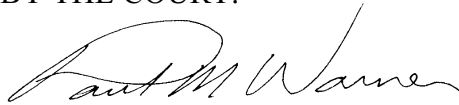
This matter is before Magistrate Judge Paul M. Warner from a referral by District Judge Paul G. Cassell pursuant to 28 U.S.C. § 636(b)(1)(B). Before the court is Plaintiff Keith D. Webb's Motion for Official Service of Process. The court previously granted Plaintiff's application to proceed in forma pauperis under 28 U.S.C. § 1915. On December 17, 2005, Defendants Salt Lake Medical Center and IASIS Healthcare filed an Answer to Complaint. *See* Docket no. 7. Accordingly, Plaintiff's motion for service of process on these Defendants is MOOT .

Plaintiff has alleged employment discrimination under Title VII of the Civil Rights Act of 1964. *See* 42 U.S.C. §§ 2000e *et seq.* "Under Title VII, suits against individuals must proceed in their official capacity, individual capacity suits are inappropriate. 'The relief granted under Title VII is against the *employer*, not individual employees whose actions would constitute a violation

of the Act.”” *Sauers v. Salt Lake County*, 1 F.3d 1122, 1125 (10th Cir. 1993) (quoting *Busby v. City of Orlando*, 931 F.2d 764, 772 (11th cir. 1991)). Because the remaining Defendants have been named in their individual capacity, this court RECOMMENDS that the District Court DENY Plaintiff’s Motion for Service of Process and DISMISS Plaintiff’s complaint as to Defendants James Johnston, Mary Moody, and Bart Adams.

Dated this 17th day of March, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
United States Magistrate Judge